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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,354	04/27/2001	Tomoko Terakado	450100-4138.1	3992

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EXAMINER

BROWN, RUEBEN M

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/844,354

Applicant(s)

TERAKADO ET AL.

Examiner

Reuben M. Brown

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2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8 & 11-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Lawler, (U.S. Pat # 5,585,838).

Considering claims 1, 11-12, the claimed information providing apparatus and method, comprising;

‘hierarchizing means for hierarchizing EPG information to be provided into first information which designates predetermined information on specific broadcast programs, and second information, referred to by the first information as general information on the program’, is met by the disclosure of Lawler, (Fig. 4A-4C; col. 11, lines 10-65). Lawler teaches that the EPG display provides a plurality of channel slots/objects that contain the titles of broadcast programs. Both the channel slots and the focus frame 102 that highlights a selected channel slot

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reads on the claimed first information. The second information reads on the supplemental information that corresponds with a highlighted program, shown in panel 108, see Fig. 6; Fig. 8 & col. 10, lines 20-50.

‘first providing means for providing at least one of the hierarchized first information and second information’, is broad enough to read on the operation of the video processor 63, col. 7, lines 51-60.

‘second providing means for providing layout information from within the EPG information which relates to a layout when the EPG information is to be displayed on a TV screen’ is broad enough to read on the interactive station controller 18, col. 7, lines 20-25 & col. 8, lines 21-30.

Considering claims 2, 6 & 20, Lawler teaches that EPG may be transmitted to the station controller 18, at least by satellite or CATV which meets the requirement, see col. 7, lines 1-15.

Considering claim 3, Lawler teaches that the EPG may be updated, col. 12, lines 25-65 and col. 13, lines 1-30.

Considering claims 4-5, see col. 6, lines 41-65 & col. 12, lines 35-42.

Considering claims 7-8, Lawler teaches detecting when information within the EPG needs to be updated and only updating that information, which reads on the claimed subject matter, col. 10, lines 50-55; col. 13, lines 21-40 & col. 17, lines 15-35.

Considering claims 13, 15-16 & 21-25, the claimed elements that correspond with subject matter mentioned above in the rejection of claims 1 & 11, are likewise treated. The additionally claimed features of a first and second acquiring means for acquiring information regarding the first and second information and the layout information is met by the operation of the interactive station controller 18, col. 7, lines 20-25 & col. 8, lines 21-30, which controls storing and retrieving the EPG information from storage. The claimed 'producing means for producing display information', is broad enough to read on the operation of the graphics subsystem 62, which includes video processor subsystem 63 and mixer 64, see col. 7, lines 50-60.

Considering claim 14, Lawler provides a display means (Fig. 2).

Considering claims 17-18, the feature of first information means designated as second intermediate information is broad enough to read on the specific feature of the EPG display such as the program grid 80 and program tile 88, col. 8, lines 45-60 & Fig. 3.

Considering claims 19-20, Lawler teaches that the layout information may be received over a wired or satellite connection, and at least temporarily stored in memory in the station controller 18, col. 5, lines 45-60 & col. 7, lines 44-65.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler, in view of Hendricks, (U.S. Pat # 5,798,785).

Considering claims 9-10, Lawler does not discuss organizing the EPG into third and fourth levels. However, Hendricks which is in the same field of endeavor teaches that EPG may be hierarchized into a plurality of categories which reads on the claimed subject matter, col. Fig. 8; Fig. 11a; col. 19, lines 51-67 & col. 30, lines 50-65. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Lawler to display the EPG in third and fourth hierarchized levels as shown by Hendricks at least for the desirable benefit of helping the customer to find the exact program of interest.

***Response to Arguments***

5. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Lemmons Teaches an interactive EPG with hierarchized menu selection.

B) Schein EPG with supplemental data and send EPG via VBI.

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**Any response to this action should be mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**or faxed to:**

(703) 872-9306, (for formal communications intended for entry)

**Or:**


(571) 273-7290 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown

  
REUBEN M. BROWN  
PATENT EXAMINER